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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR 05-60008-HO

v.

GOVERNMENT'S RESPONSE TO  
DEFENDANT'S MOTION FOR RELEASE

PIROUZ SEDAGHATY,

Defendant.

The United States of America, by and through Dwight C. Holton, United States Attorney, and Kelly A. Zusman, Assistant United States Attorney, offer the following response to defendant's motion for release:

Seda has filed a post-trial motion seeking his immediate release from custody. The

United States has, in the past, taken the position that Seda cannot establish by clear and convincing evidence that he is not likely to flee, as is required by 18 U.S.C. § 3143(a) upon his conviction at trial and should be detained for that reason. Our view that he presents a risk of flight is unchanged for the reasons we have provided this Court in the past. What has changed since Seda was taken into custody at the close of the trial is that the United States has discovered some materials that should have been turned over to the defense during pre-trial discovery. While we disagree with the defense team's characterization of those documents, and we believe that none of this material could have altered the outcome at trial, we acknowledge that additional proceedings will take some time to resolve. During this interim period – post-trial, but before a final ruling on the pending motions and an anticipated appeal – this Court will have to weigh the risk of flight against the equitable concern of further delay to resolve these recent discovery issues. For these reasons, the United States takes no position on Seda's motion for immediate release.

DATED this 13th day of January, 2011.

Respectfully submitted,  
DWIGHT C. HOLTON  
United States Attorney

*/s/ Kelly A. Zusman*

By: \_\_\_\_\_  
KELLY A. ZUSMAN  
Assistant United States Attorney